

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

CARDIGAN MOUNTAIN SCHOOL

Plaintiff,

Civil Action No.:

v.

NEW HAMPSHIRE INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

TO: CHIEF JUDGE AND JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

ON NOTICE TO:

David P. Carlson, Clerk
Grafton Superior Court
3785 Dartmouth College Highway
North Haverhill, NH 03774

Scott H. Harris, Esq. NH Bar No. 6840
McLane, Graf, Raulerson, & Middleton, PA
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Phone: (603) 628-1351
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PLEASE TAKE NOTICE that Defendant New Hampshire Insurance Company (“New Hampshire” or “Defendant”) hereby removes the above-captioned action from the Grafton Superior Court, State of New Hampshire to the United States District Court for the District of New Hampshire, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, as amended.

In support of this Notice of Removal, Defendant states:

1. On January 10, 2014, Plaintiff Cardigan Mountain School (“Cardigan Mountain”) filed a lawsuit in the Grafton Superior Court, State of New Hampshire (the “State Court Action”). (A true copy of the Complaint is attached as Exhibit A).

2. Upon information and belief, Plaintiff Cardigan Mountain is a New Hampshire non-profit corporation, maintaining its principal place of business in 62 Alumni Drive, Canaan, New Hampshire 03741.

3. New Hampshire is organized under the laws of the State of Pennsylvania, having its principal place of business in New York, New York.

4. Upon information and belief as it appears from the allegations contained in Plaintiff’s Complaint, the amount in controversy in dispute in this case is in excess of \$75,000, exclusive of interests and costs.

5. The United States District Court for the District of New Hampshire has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332 because it arises between citizens of different states and the amount in controversy is in excess of \$75,000, exclusive of interest and costs.

6. New Hampshire first received a copy of the initial pleading in the State Court Action, through service or otherwise, on February 25, 2014.

7. As of this date, New Hampshire has not filed a responsive pleading in the State Court Action, and no other proceedings have transpired in that action.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff’s counsel, and a Notice of Filing of Notice of Removal is

simultaneously being filed with the Grafton Superior Court, State of New Hampshire. (A true copy of the Notice of Filing of Notice of Removal is attached as Exhibit B).

9. The State Court Action names only New Hampshire as defendant. No other defendant must consent to the removal of this action.

10. Defendant hereby waives trial by jury in this matter.

WHEREFORE, Defendant New Hampshire Insurance Company respectfully requests that this Court remove the State Court Action from the Grafton Superior Court, State of New Hampshire to the United States District Court for the District of New Hampshire, and that further proceedings be conducted in this Court as provided by law.

Respectfully submitted,

/s Andrew D. Dunn
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Attorneys for Defendant
New Hampshire Insurance Company

Dated: March 20, 2014

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice of Removal as well as a Notice of Filing of Notice of Removal, pursuant to 28 U.S.C. § 1446, have been served by Federal Express overnight mail on this 20th Day of March 2014 upon the following:

David P. Carlson
Clerk
Grafton Superior Court
3785 Dartmouth College Highway
North Haverhill, NH 03774

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